

I am I

THE Ultimate Answer to THE Existential Reality Question

Who am I? I am I ... book when sold at some (above-zero) price: My analysis of copyright issues with usage of Wikipedia content in it

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This post gives my analysis of copyright matters about Wikipedia and Wikiquote content used in my Who am I? I am I ... book which may be sold for a (above-zero) price with profit for printer, distributor (if any) and seller BUT NOT-FOR-PROFIT for author (Ravi S. Iyer – me). To see the for-print version soft copy of Who am I? I am I ... book, please visit

<https://iami1.wordpress.com/consolidated-blog-content-document/>.

Max Planck related quotes on back cover of Who am I? I am I ... book

India's Copyright Act can be viewed online here:

http://copyright.gov.in/Copyright_Act_1957/index.html.

http://copyright.gov.in/Copyright_Act_1957/chapter_v.html has CHAPTER V, TERM OF COPYRIGHT. It has number points (sections?).

Point (section) 22 deals with "Term of copyright in published literary, dramatic, musical and artistic works." My reading of it is that it deals with work published in the lifetime of the author. And it is 60 years from year following year of death of author (and, in case of joint authors, year of death of last author).

Point (section) 24 deals with “Term of copyright in posthumous work”. My reading of it is that 60 years is the term of copyright from year following the year in which the work was first published.

Max Planck died in 1947 (over 70 years ago).

“I regard consciousness as fundamental. I regard matter as derivative from consciousness.” was given in wikiquote, https://en.wikiquote.org/wiki/Max_Planck, earlier (otherwise I would not have mentioned it as the source in my blog post dated Nov. 2012, last modified on Dec. 2013), but is not mentioned in it now.

Did some Google search for the quote. <http://bigthink.com/words-of-wisdom/max-planck-i-regard-consciousness-as-fundamental> lists it with the source being The Observer (25 January 1931) which seems to have been mentioned in wikiquote.

https://www.endlesssearch.co.uk/science_scientistmystics.htm provides the same quote with the source being, The Observer, London, January 25, 1931.

“Science cannot solve the ultimate mystery of nature. And that is because, in the last analysis, we ourselves are part of nature and therefore part of the mystery that we are trying to solve.”

https://en.wikiquote.org/wiki/Max_Planck lists the above quote with the source as: Where is Science Going? (1932).

More than 60 years have passed since the date of the above two publications (both in the 1930s). So these two short quotes of Max Planck that I have put up on the back cover page of my iami1 blogbook are in the public domain, and so I am well within copyright law of India in publishing the quotes on the cover back page of my book.

Copyright matters about re-use of Wikipedia content in Who am I? I am I ... book

Given below are extracts from Who am I? I am I ... book (previously called iami1 blogbook) 18th April 2018 version/date:

CC-BY-SA (additional) license for few pages in this book

The following articles/posts in this book use significant amount of text extracts from Wikipedia and Wikiquote:

- 1) Some Famous Scientists' Views on God and Limits of Science
- 2) Conversation on 'secular parenting' & religion between USA scientist & Indian technologist
- 3) Why I shy away from comparisons between Physics theories like Higgs field and deep spiritual philosophy like Vedanta?

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Therefore my above mentioned articles/posts in this book having significant content from Wikipedia and Wikiquote, I think, satisfy the conditions laid down by Wikipedia and Wikiquote for sharing its content.

There may be some other articles/posts in this book which use extracts of a few sentences from Wikipedia. I think that is covered under Copyright Fair Use laws and so I have not applied the Creative Commons Attribution Share-Alike license (CC-BY-SA) for those articles/posts.

— end extract of iami1 blogbook content (related to Wikipedia content reuse) —

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— end extract from https://en.wikipedia.org/wiki/Wikipedia:Reusing_Wikipedia_content —

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Fair Use

Now about Fair Use for articles/posts in the Who am I? I am I ... book which use extracts of a few sentences from Wikipedia. Note that USA law is used by Wikipedia itself. So we need to look at USA Fair Use law. Given below are extracts from https://en.wikipedia.org/wiki/Fair_use:

Fair use is a doctrine in the law of the United States that permits limited use of copyrighted material without having to first acquire permission from the copyright holder. Fair use is one of the limitations to copyright intended to balance the interests of copyright holders with the public interest in the wider distribution and use of creative works by allowing as a defense to copyright infringement claims certain limited uses that might otherwise be considered infringement.

...

U.S. fair use factors

Examples of fair use in United States copyright law include commentary, search engines, criticism, parody, news reporting, research, and scholarship. Fair use provides for the legal, unlicensed citation or incorporation of copyrighted material in another author's work under a four-factor test.

...

[Ravi: The extract below relates to a USA law (statute) and is on the wiki page too. But I have chosen to pick it up from the source mentioned by the wiki page which is

<https://www.law.cornell.edu/uscode/text/17/107>]

17 U.S. Code § 107 – Limitations on exclusive rights: Fair use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;*
- (2) the nature of the copyrighted work;*
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and*
- (4) the effect of the use upon the potential market for or value of the copyrighted work.*

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

[—end extract from <https://www.law.cornell.edu/uscode/text/17/107> — end-Ravi]

[Extracts from Wiki page https://en.wikipedia.org/wiki/Fair_use continue below.]

...

1. Purpose and character of the use

The first factor is “the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.” To justify the use as fair, one must demonstrate how it either advances knowledge or the progress of the arts through the addition of something new.

...

2. Nature of the copyrighted work

Although the Supreme Court has ruled that the availability of copyright protection should not depend on the artistic quality or merit of a work, fair use analyses consider certain aspects of the work to be relevant, such as whether it is fictional or non-fictional.

...

3. Amount and substantiality

The third factor assesses the amount and substantiality of the copyrighted work that has been used. In general, the less that is used in relation to the whole, the more likely the use will be considered fair.

...

4. Effect upon work's value

The fourth factor measures the effect that the allegedly infringing use has had on the copyright owner's ability to exploit his original work. The court not only investigates whether the defendant's specific use of the work has significantly harmed the copyright owner's market, but also whether such uses in general, if widespread, would harm the potential market of the original. The burden of proof here rests on the copyright owner, who must demonstrate the impact of the infringement on commercial use of the work.

— end wiki extracts —

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So I think those articles/posts in my Who am I? I am I ... book (some copies of which will be sold for some price by some sellers (if some buyers show interest in buying it)) that use few sentences from Wikipedia pages come well within USA Fair Use laws, and so do not need to have a Creative Commons CC-BY-SA license like the earlier mentioned posts/articles that use significant amount of Wikipedia content.

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— end extracts from wiki —

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